

Page 41

1 Q. Okay.

2 A. -- Production Specialist numbers anymore.

3 It's been a few years.

4 Q. Okay. And did you say when you left you

5 were a Production Specialist?

6 A. Yes.

7 Q. Okay.

8 A. Previous to that I had been the journeyman

9 position.

10 Q. Okay. So you went --

11 A. I went down.

12 Q. You went up and then down?

13 A. Uh-huh.

14 Q. Okay. And that's a coal fired plant?

15 A. Yes, ma'am. Fossil fuel.

16 Q. Okay. When you started with the City it was

17 at an Ops Tech Trainee I position, right?

18 A. With the City?

19 Q. With the City of Farmington, yes.

20 A. Ops Tech Trainee I. Yes.

21 Q. Okay. And I hear there's a difference

22 between fuel fossil fuel plants and gas turbine plants.

23 Is that true? There's differences between them?

24 A. Gas turbine is fossil fuel, yes.

25 Q. Gas turbine is fossil fuel.

Page 42

1 A. They're all fossil fuel.

2 Q. Right.

3 A. Gas to coal.

4 Q. And coal. Right.

5 A. You're talking coal fired versus gas fired?

6 Q. Yes.

7 A. Is that correct?

8 Q. You're right. You're right. Thank you.

9 But your work with APS was coal fired, right?

10 A. That was a coal fired plant.

11 Q. Okay. And the City plants are gas?

12 A. Yes.

13 Q. Okay.

14 A. The equipment is very similar.

15 Q. All right. But you still needed to get

16 training on how to run the City plants, right?

17 A. Being an operator is very -- a very

18 specialized field, so you have to learn the parameters of

19 the plant, learn the locations of everything, you have to

20 learn exactly your pressures, temperatures, that kind of

21 thing.

22 Q. Right.

23 A. You don't just come in and know it. I mean,

24 you have to get familiar with the equipment. It takes a

25 little while.

Page 43

1 Q. Right. That's what I'm asking.

2 A. Yes.

3 Q. So what are some of the things that you had

4 to learn to do with the City plants?

5 A. Well, I had to forget there was pulverizers,

6 I had to forget there was forced drafted fans, IV fans,

7 which is what you had in the coal fired plants. And now

8 I was introduced to a gas turbine for instance.

9 Q. Okay. So what did you have to learn about

10 the gas turbine?

11 A. So the gas turbine functioned the same as

12 far as the combustion in the boiler. In the gas -- this

13 gas fired plant we have what's called a HRSG, a heat

14 recovery stream generator.

15 Q. HRSG?

16 A. HRSG.

17 Q. You refer to it like that?

18 A. As opposed to what we call the boiler in the

19 conventional plants. Same concept, you still heat the --

20 in the coal fired plant you heat the coal to generate the

21 steam in the boiler. Which turns the turbine, which

22 turns the generator, and generates the electricity.

23 So same concept in a gas fired plant. The

24 only thing is you're using this gas turbine to generate

25 the heat and the combustion air into your HRSG which is

Page 44

1 your boiler to heat the water to generate the steam to

2 turn the turbine to turn the generator and generate

3 electricity.

4 Q. So it's that -- so those mechanisms were

5 different and you had to learn that, right?

6 A. Yes.

7 Q. Okay.

8 A. There was actually less equipment when you

9 use the gas turbine as opposed to having the pulverizers

10 and the various fans that are in the coal fire plant.

11 There was actually less equipment to learn.

12 Q. Okay. But I'm still -- I don't need you to

13 tell me, "I had to forget this from over there" or "it

14 was different at APS." I need you to tell me once you're

15 in your job at the City, itemize those things you needed

16 to get trained on so you could learn. So far I have the

17 gas turbine is one of the things you had to get training

18 on to learn --

19 A. Yes.

20 Q. -- right? What else?

21 A. Basically everything else was pretty much

22 the same. The systems were the same.

23 Q. Okay.

24 A. Little bit difference in size. The

25 parameters of course were the same, like I said, the

11 (Pages 41 to 44)

PAUL BACA PROFESSIONAL COURT REPORTERS

EXHIBIT

H

Page 77

1 position?

2 A. It wasn't called Production Specialist. It

3 was the Auxiliary Operator.

4 Q. Okay.

5 A. About 21 years prior to the Ops Tech I.

6 Q. Right.

7 A. About 21 years.

8 Q. 21 years as Auxiliary Operator and then you

9 were up an Ops Tech -- I'm sorry. I didn't misunderstand

10 you. They don't have an Ops Tech I or II label at APS,

11 right?

12 A. They just have the Ops Tech.

13 Q. Right. So 21 years Auxiliary Operator and

14 then you were an Operations Technician for about three

15 years?

16 A. Yes.

17 Q. And then you get demoted back to an

18 Auxiliary Operator?

19 A. Yes. But by then it was Production

20 Specialist. That's where it made the transition the

21 title.

22 Q. But the same thing, right?

23 A. Yes.

24 Q. And then you continued to work there about

25 three more years?

Page 78

1 A. About.

2 Q. Okay. When you were a Ops Tech --

3 Operations Technician with APS, how many other Operations

4 Technicians worked with you when you were on shift?

5 A. Between one and two. It depended if we had

6 the double crews or not. It could be from -- if there

7 was one crew, there was two of us on the unit. If it was

8 two crews, there would have been four of us total so it

9 could be between one and three Operations Technicians in

10 the control room.

11 Q. Okay.

12 (Marked Garcia Exhibit No. 3.)

13 Q. (BY MS. OLMOS) I'm going to mark as Exhibit

14 No. 3 to your deposition. Do you recognize Exhibit

15 No. 3?

16 A. Yes.

17 Q. What is it?

18 A. It's a job description for Operations

19 Technician Trainee II.

20 Q. Do you recall -- you eventually moved into

21 this position, right?

22 A. Yes.

23 Q. Do you recall when that was?

24 A. As per the training program, it was two

25 years after my employment I was able to test and promote

Page 79

1 into this position.

2 Q. Okay. So if you were moved in -- your

3 signature is dated on the last page.

4 A. Uh-huh.

5 Q. Does that seem accurate to you?

6 A. 4/29/11. Like I said, two years after I

7 hired on.

8 Q. Okay. So you moved into the next position

9 up --

10 A. Yes.

11 Q. -- if you will? Right on schedule?

12 A. Yes.

13 MS. OLMOS: I don't have an extra copy of

14 these, Mike. So I apologize.

15 MR. MOZES: Let's see what they are.

16 (Marked Garcia Exhibit No. 4.)

17 MS. OLMOS: I'm going to do this collection

18 together. These are copies from the APS personnel file

19 and review them.

20 Q. (BY MS. OLMOS) So let me hand you the whole

21 packet and ask you whether you have seen these before.

22 MR. MOZES: Let's paperclip them together.

23 Look they are conveniently marked. The -- why don't you

24 look through and familiarize yourself with it. How are

25 you going to do this? Are you just going to direct her

Page 80

1 attention to certain parts?

2 MS. OLMOS: Yeah, I'll do that.

3 MR. MOZES: Because that, you know, would

4 save a lot of time. There's a lot of information here.

5 As long as you give her the opportunity to look over the

6 part that you're directing her attention to I don't have

7 a problem.

8 Q. (BY MS. OLMOS) Go ahead and look through

9 the packet of documents I've given you. Let me know

10 whether there are any of those pages that you have not

11 seen before.

12 A. I've never seen this summary of job

13 performance, this document.

14 Q. Okay.

15 A. I've never seen this before. Where did this

16 come from?

17 Q. Your APS personnel file.

18 A. Okay. So this is an HR document?

19 Something. I've never seen it. How much am I supposed

20 to go through? All of it?

21 Q. All of the pages and just let me know if you

22 come across something you have not seen before.

23 A. This doesn't have a signature. I'm not

24 recognizing this one.

25 MR. MOZES: See at the bottom right-hand

20 (Pages 77 to 80)

Page 119

1 A. Not that I can think of right now on the
2 recordings.
3 Q. Okay. What about with regard to the name
4 calling outside the recordings?
5 A. I do have it documented, as do you in your
6 documents.
7 Q. Okay. What is it?
8 A. It's in the journal. One employee came in
9 and addressed me as, "Good morning, mother fucker."
10 Q. Did he say that to you or to everybody that
11 was present?
12 A. To me.
13 Q. Did that happen on more than one occasion?
14 A. It happened once and I reported it.
15 Q. Did it happen again after you reported it?
16 A. Not that word.
17 Q. Okay. What other names were you called?
18 A. There were comments made like, "Don't trust
19 her. You can't trust her. She'll turn you in." That
20 kind of stuff. Kind of a character assassination.
21 Trying to get other -- other people influenced by that
22 kind of statement.
23 Q. Okay. I'm trying -- let's just -- I'm going
24 to write that --
25 A. After that statement was made about those

Page 120

1 bad words and the person was addressed by management, he
2 went around talking to people and saying, "Don't talk to
3 her. You can't trust her."
4 Q. Okay. Any other name calling?
5 A. I've been called "stupid." That's all I
6 could think of right now.
7 Q. Okay.
8 A. I've been told I'm not qualified, but that's
9 not exactly name calling. It's just characterization I
10 guess.
11 Q. Does the name calling fall into your failure
12 to promote gender discrimination claim?
13 MR. MOZES: I'm going to object to the form
14 of the question. But if you know.
15 A. Yes.
16 Q. (BY MS. OLMOS) Okay. In what way?
17 A. The person that was calling me stupid made a
18 statement, and this went to HR, and you have the
19 complaint again. That I was stupid, he was going to tell
20 Richard Miller not to promote me. The man said I was not
21 an operator.
22 Q. Were you an operator at the time?
23 A. And he said I would never be an operator and
24 he would make sure that I was not promoted.
25 Q. Okay. Who was that?

30 (Pages 117 to 120)

NAL COURT REPORTERS

Page 143

1 Q. Okay. So then you had the meetings with
2 Mr. Sims and he reminds you about that, right?
3 A. As I stated earlier, yes.
4 Q. Okay. So what happened with that grievance?
5 A. That grievance was addressed as part of the
6 complaint I believe that went to HR.
7 Q. Okay. How was it addressed?
8 A. In the long-term, about disparate treatment
9 and it was under those -- those complaints.
10 Q. Okay. How was it disparate treatment?
11 A. Job assignments I was given were different
12 from the job assignments other trainees were given.
13 Q. Give me some examples.
14 A. I had to clean the bathrooms on a daily
15 basis, dump trash, sweep the STG building. Spelling for
16 her. On the same day the other trainee would be given
17 different tasks. He would sit in the control room, he
18 was allowed to train up there with the operator.
19 Q. Who was that?
20 A. Damon Ben.
21 Q. Does Damon still work there?
22 A. No, ma'am.
23 Q. What happened?
24 A. He was terminated.
25 Q. You were giving me examples of disparate

Page 144

1 treatment with job assignments.
2 A. Another Trainee I was hired. He's been
3 given training all the way up to -- he's still a
4 Trainee I. And he's due now I think right about at this
5 time for his test.
6 Q. Who's that?
7 A. Steve Warner.
8 Q. When was he hired? You said he's still a
9 Trainee I?
10 A. Yeah. It's within the last two years.
11 About two years ago.
12 Q. Okay. So he wasn't a Trainee I at the same
13 time you were a Trainee I. Right?
14 A. Not as a Trainee I, no.
15 Q. Okay. Anybody else?
16 A. He was a Trainee I when I was a Trainee II
17 though. No, that's it for the trainees. There was only
18 three of us.
19 Q. Okay. Is it fair to say that the Operations
20 Technicians have the discretion to make job assignments?
21 A. Yes.
22 Q. There was a complaint about your perfume?
23 A. Yes.
24 Q. Do you remember that?
25 A. Yes, ma'am.

36 (Pages 141 to 144)

NAL COURT REPORTERS

Page 161

1 A. I believe so.

2 Q. Did you take -- when did you take the

3 hands-on test?

4 A. I didn't. Not that go-around. Until

5 October of 2012. You had to pass the written.

6 Q. Okay. Did you feel you were ready to take

7 your hands-on test in April of 2012?

8 A. Yes. It's contingent on -- let me back up.

9 I guess I should change that answer to no. Because it

10 was contingent on me passing the written test and I

11 wasn't prepared for the written test. But in October I

12 felt that I was more ready for the test.

13 Q. Both parts of it?

14 A. Both the hands-on and the written. That's

15 why I said let me change that. Because I'm getting

16 October and April mixed up.

17 Q. Okay. So when you say you're changing your

18 answer, just ask you again if Mike will let me.

19 MR. MOZES: Sure. Behave.

20 Q. (BY MS. OLMOS) Did you feel prepared in

21 April of 2012 to take your hands-on test to be an

22 operator technician?

23 A. I believed that I needed more training at

24 that time.

25 Q. Okay. I was trying to --

Page 163

1 A. Okay.

2 Q. And you passed that test, the hands-on test?

3 A. Yes.

4 Q. And in October of 2012 you also passed the

5 written test?

6 A. Yes.

7 Q. And had you had enough time then -- is it

8 fair to say then by -- in that six-month interim you had

9 enough time to study and --

10 A. Yes.

11 Q. -- get more ready?

12 A. In April when I took the first written test

13 when I said I did not study, the reason I didn't study

14 was because of the arbitration that was going on. And

15 that lasted for a while before the test was issued. And

16 I was not mentally or physically prepared for that test.

17 Q. Okay. And the test was offered was

18 available to you on the anniversary of your three years

19 of working for the City, right?

20 A. April? Yes.

21 Q. 2012. Right. But you had been doing two

22 years as a Operations Tech Trainee I?

23 A. Yeah.

24 Q. And you had also completed your one year as

25 an Operations Tech Trainee II.

Page 162

1 A. What I'm trying to say is it's startup was

2 the test, okay?

3 Q. Uh-huh.

4 A. And I had reported to the City that I didn't

5 have enough hands-on time with the startup and had asked

6 if I could have an additional startup exposure so I could

7 iron out anything that needed to be straightened out in

8 my head.

9 Q. Okay.

10 A. So the answer is no in April, okay?

11 Q. That's all --

12 A. I'm sorry. I just -- I guess I'm tired.

13 Q. Yeah.

14 A. That question kind of went in circles in my

15 head.

16 Q. I want to hear your explanation. Sometimes

17 I need the "yes" or "no" first and then we'll get there.

18 As far as your test -- so when you actually did the

19 hands-on test in October of 2012, who was present?

20 A. Emmanuel John, Richard Miller, there was a

21 union witness there, I think Sandoval was his last name.

22 Q. Okay.

23 A. And HR was there, Tom Swenk. That's it.

24 Oh. I was there.

25 Q. I got that.

Page 164

1 A. II.

2 Q. Correct?

3 A. Yes.

4 Q. Okay. And the job description for an

5 Operations Technician requires that you have those three

6 years of the trainee under your belt when you were coming

7 up as a City employee as a City trainee for that job,

8 right?

9 A. Yes.

10 Q. Okay. Were you able to observe additional

11 startups in those six months?

12 A. Yes.

13 Q. How long have you been in a workforce that

14 has -- where you were you a member of a union?

15 A. Since about 198 -- I'd say 1981 or '82.

16 Q. And have you when it was available, have you

17 always been a union member?

18 A. Yes.

19 Q. Has there ever been a break where you quit

20 the union membership for lack of a better --

21 A. No, I wouldn't say that I quit. But there

22 was a probationary time when I hired at the City my first

23 year. And I was not a member at that time.

24 Q. Okay. Have you ever -- let me ask you

25 first, were you a union steward while you were at APS?

41 (Pages 161 to 164)